

REMARKS

This Request is responsive to the official action dated May 26, 2009. Claims 1-31 were pending in the application. In the official action, claims 1-31 were rejected. Claims 1-31 thus remain for consideration.

Applicant submits that claims 1-31 are in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

§103 Rejections

Claims 1-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nakada (US Patent No. 7,133,387) in view of Rakib et al. (US Patent Application Publication No. 2001/0046266) and Besenfelder (US Patent No. 3,832,684).

Applicant respectfully submits that the independent claims (claims 1, 9, 20, and 31) are patentable over Nakada, Rakib, and Besenfelder (collectively "the cited references").

Applicant's invention as recited in claim 1 is directed toward a wireless communication system. The claim recites that the system "operat[es] without a base station and include[es] a plurality of communication apparatuses associated with respective communication areas." That is, communications between apparatuses in Applicant's system do not pass through a "base station." Rather, in Applicant's system a communication apparatus transmits directly to other communication apparatuses that are located within its communication area. The transmitting apparatus adds a preamble signal to its transmission and a communication apparatus which is located within the communication area of the transmission source, and which is not currently communicating, is operable to recognize that "the transmission path is used for a predetermined interval from a time when the preamble signal is detected." The claim further recites that "the preamble signal is inserted in each

transmission packet so as to be integral with each transmission data," and that "the communication apparatus located within the communication area of the transmission source communication apparatus and not currently communicating engage[es] in wireless communication over the transmission path when it does not detect the preamble signal." (Emphasis supplied.) Claims 9, 20, and 31 include recitations similar to the above-emphasized recitation.

The Examiner admits that "Nakada in combination with Rakib et al. fails to disclose an apparatus not currently communicating engaging in wireless communication over the transmission path when it does not detect the preamble signal." (Official Action page 4, lines 1-3.) The Examiner cites Besenfelder in an attempt to cure the deficiencies of Nakada and Rakib.

Applicant maintains that Besenfelder does not disclose "an apparatus not currently communicating engaging in wireless communication over the transmission path when it does not detect the preamble signal." Accordingly, Applicant submits that none of the cited references discloses "an apparatus not currently communicating engaging in wireless communication over the transmission path when it does not detect the preamble signal," and that the independent claims are therefore patentable over the cited references on at least this basis.

Regarding Besenfelder, Applicant notes that the reference is directed toward retrieving data from a magnetic medium having a plurality of tracks. (See e.g., Besenfelder column 1, lines 5-8; column 1, lines 41-52; and column 2, lines 43-49.) A circuit as shown in Fig. 1 is provided for each track such that, for example, nine such circuits are provided in a nine track system. The circuit of Fig. 1 detects data to be retrieved by detecting a corresponding preamble. (See e.g., Besenfelder column 4, line 31 - column 5, line 2.) Accordingly, a preamble is detected for each live track. In the described embodiment, a preamble

includes forty zeros followed by a binary one (See e.g., Besenfelder column 2, lines 57-63), and when approximately twenty of the zeros are detected the circuit is enabled (See e.g., Besenfelder column 4, lines 42-46.)

In addition to reading data, a principle object of Besenfelder is to detect when a track is "dead." (See e.g. Besenfelder column 2, lines 10-12; and column 3, lines 25-30.) To this end, a given track is said to be "dead" when an entire preamble for any other track has been detected before detection of a preamble for the given track. That is, a given track is said to be "dead" when an "end of preamble" is detected for any of the other tracks prior to detection of a preamble for the given track. Further, when an "end of preamble" is detected for any of the other tracks prior to detection of a preamble for the given track, a "dead track" signal is provided for the given track. (See e.g., column 5, lines 17-21.)

Thus, even if one were to construe Besenfelder's communication of a dead track signal as being analogous to Applicant's "engaging in wireless communication," such communication by Besenfelder can not possible be construed as communication that occurs when Besenfelder does not detect a preamble. Indeed, Besenfelder's generation of a dead track signal is conditioned on Besenfelder's detection of at least one preamble, and not on Besenfelder's failure to detect at least one preamble.

Moreover, Besenfelder's "dead track signal" is transmitted over a wire, a wire that is coupled to output terminal 61 (See Besenfelder Fig. 1), and therefore Besenfelder does not disclose an apparatus "engaging in wireless communication over [a] transmission path when [the apparatus] does not detect [a] preamble signal."

In view of the above, Applicant believes that independent claims 1, 9, 20, and 31 are patentable over the cited references

- taken either individually or in combination - based at least on the subject preamble aspect of Applicant's invention.

Further, since dependent claims inherit the limitations of their respective base claims, Applicant submits that dependent claims 2-8, 10-19, and 21-30 are patentable over the cited references for at least the same reasons as discussed in connection with the independent claims.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, the Examiner is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

Dated: August 19, 2009

Respectfully submitted,

By 
Bruno Polito

Registration No.: 38,580
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

1040142_1.DOC